

To: FCC Commission

From: Andrew Leishman

Date: April 16, 2013

RE: Comment on GN Docket No. 13-86.

It is my understanding that the full Federal Communications Commission is considering making changes to its indecency policies. I strongly encourage the Commission to maintain its current standards and not change the policy.

The Supreme Court has consistently upheld the FCC's authority to regulate broadcast television licenses without violating the First Amendment because it is doing so on behalf of the public interest. While the Supreme Court certainly limited some of the FCC's power in *FCC v. Fox Television Stations, Inc.*, 132 S.Ct. 2307, in that opinion the Court still upheld *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726 (1978).

In *Pacifica*, the Supreme Court provided the FCC with the power to regulate prime time television based on two arguments: (1) shielding children from potentially offensive material, and (2) ensuring that unwanted speech and nudity do not enter one's home. The Supreme Court stated in *Pacifica* that the FCC had the authority to prohibit such broadcasts during hours when children were likely to be among the audience.

The Supreme Court has not required the FCC to change its policy. Due to the sensitive nature of children and their ability to be moulded (for better or worse) by what they see on television, the FCC should not lower its standards. The FCC should continue with its current policy of reviewing claims dealing with occasional incidents of indecency and unwanted language during prime time hours even if it does not reach the level of egregious.

If the FCC lowers its standards, broadcast television will continue to push the limits. The FCC has owes a duty of loyalty to the American people, not to broadcast media. The FCC should stand its ground and maintain its current policy.